

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**MAURICE WOODS, individually and)
as the surviving spouse of TERESA WOODS,)
deceased,)**

Plaintiff,

vs.

**MYERS INTERNATIONAL MIDWAYS, INC.,)
DAVID STARKEY, individually and d/b/a)
STARKEY ENTERPRISES, and CHARLES)
MICHAEL WOLOSKO,)**

Defendants.

JURY DEMAND

Civil Action No. 3:09-00839

JUDGE TODD CAMPBELL

PLAINTIFF'S MOTION TO ALTER OR AMEND JUDGMENT

Comes now Plaintiff Maurice Woods, pursuant to Rule 59(e) of the Federal Rules of Civil Procedure, and moves the Court to reconsider the summary judgment entered against him on February 7, 2012.¹ As grounds for this motion, Plaintiff will show that:

1. The granting of this motion is necessary to, respectfully, correct a clear error of law or to prevent a manifest injustice.²

2. This motion is based on the attached Memorandum in Support of Motion for Reconsideration of Summary Judgment ("Memorandum") and all pleadings and papers on file with this Honorable Court.

WHEREFORE, Plaintiff hereby moves this Honorable Court to set aside the grant of

¹ (Docket No. 117.)

² See *Russell v. Delco Remy Div. of Gen. Motors*, 51 F.3d 746, 749-52 (7th Cir. 1995) & *Collison v. Int'l Chem. Workers Union, Local 217*, 34 F.3d 233, 236 (4th Cir. 1994). This is explained in more detail in the Memorandum, which is incorporated herein by reference.

summary judgment in favor of Defendant Myers International Midways, Inc. reinstate this action on the docket, and allow it to proceed to trial.

Respectfully submitted,

/s/ H. Anthony Duncan

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ATTORNEYS FOR THE PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via electronic means via the Court's e-filing system to:

Richard C. Manglesdorf Jr., Esq.
414 Union St., Ste. 1900
Nashville, TN 37219

ATTORNEY FOR DEFENDANT MYERS
INTERNATIONAL MIDWAYS, INC.

this 6th day of March, 2012.

/s/ H. Anthony Duncan

H. Anthony Duncan